

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL JAMES,

07-CV-1640-HU

Plaintiff,

ORDER

v.

EVERGREEN INTERNATIONAL
AIRLINES, INC.,

Defendant.

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BROWN, Judge.

Magistrate Judge Dennis James Hubel issued Findings and Recommendation (#20) on April 3, 2008, in which he recommended the Court grant Defendant's Motion to Dismiss (#4) as to Plaintiff's claim for wrongful discharge and Plaintiff's claim under Oregon Revised Statutes § 652.150. Plaintiff and Defendant filed Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

This Court has carefully considered the Objections of both parties and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Hubel's Findings and Recommendation (#20) and, therefore, **GRANTS** Defendant's Motion to Dismiss (#4) as to Plaintiff's claim for wrongful discharge and Plaintiff's claim under Oregon Revised Statutes § 652.150.

IT IS SO ORDERED.

DATED this 23rd day of June, 2008.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge